

# HOUSE BILL REPORT

## HB 2089

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**As Reported by House Committee On:**  
State Government Operations & Accountability

**Title:** An act relating to changing the gift limitation for state officers and employees.

**Brief Description:** Changing the gift limitation for state officers and employees.

**Sponsors:** Representatives Hunt, Haigh, Kirby, Armstrong, Nixon and Williams.

**Brief History:**

**Committee Activity:**

State Government Operations & Accountability: 3/1/05, 3/2/05 [DPS].

**Brief Summary of Substitute Bill**

- Raises the gift limit for state officers and employees.
- Provides that gifts are the property of the officer or employee to dispose of as the officer or employee chooses.

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**HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

**Staff:** Jim Morishima (786-7191).

**Background:**

State officers and employees are generally prohibited from accepting certain gifts with an aggregate value of over \$50 per calendar year. Several types of items are excluded from the definition of "gift," including items from family members or friends, campaign contributions, and awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement. Also, certain items, despite the fact that they meet the definition of "gift," are exempt from the \$50 limit. Such items include unsolicited flowers, informational material related to the recipient's performance of official duties, and food consumed at hosted receptions where attendance is related to the recipient's official duties.

In 2003, the Executive Ethics Board (Board) issued an advisory opinion regarding the receipt of free textbooks by higher education faculty. The Board opined that the faculty could accept the books, but were prohibited from selling the books for personal gain. The Board indicated that no specific law exists that addresses the situation at issue in its opinion. However, the Board pointed out that allowing the faculty to sell the books would violate the stated purpose of the ethics law, the law against a public employee using his or her position to secure special privileges, and the law against use of public property for private gain.

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**Summary of Substitute Bill:**

The limit for gifts that may be accepted during a calendar year is increased from \$50 to \$75. A gift is the property of the recipient to dispose of as he or she chooses, except as provided in provisions of law dealing with the Legislative International Trade Account, the promotion of tourism, and the hosting of an official conference of a national legislative association.

**Substitute Bill Compared to Original Bill:**

The substitute bill removes the provisions that automatically raised the gift limit every two years. The substitute bill inserted language allowing a recipient to dispose of gifts as he or she chooses.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The gift limit has not been addressed for a number of years and it is an important issue to be discussed. Under current law, there is an unintended limitation on gifts for public employees. An interpretation has arisen that prohibits professors from selling books they receive as gifts.

**Testimony Against:** None.

**Persons Testifying:** Representative Hunt, prime sponsor; and Sally Gustafson Garratt.

**Persons Signed In To Testify But Not Testifying:** None.